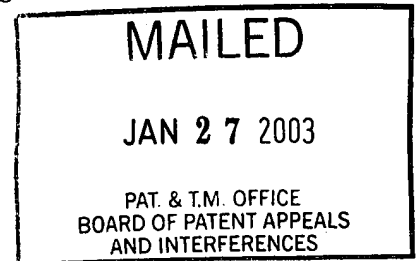


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ISTVAN SIMON

Appeal No. 2003-0019
Application No. 09/136,820



ORDER


On October 15, 2002, an Order of Non-Compliance Regarding Oral Hearing (Paper No. 31) was mailed to appellant, with regard to the requirement for filing a request for an oral hearing "in a separate paper" under 37 CFR § 1.194(b). The appellant was given a two week time period to respond to this Order by filing a petition under 37 CFR § 1.183. No compliance was filed within the respected time period.

On January 14, 2002, the Board contacted the attorney's law firm, Bachman & Lapointe, regarding the Order filed October 15, 2002 (Paper No. 31). The attorney's assistant, Laurie Larson, stated that attorney, Gregory Lapointe, did not provide a written response to the Order (Paper No. 31) but requests that the appeal be decided without an oral hearing.

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Therefore, in view of the explanation given by the attorney, the current appeal will be given to the next available merits panel for a decision based solely on the written record. A decision will be made in due course.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 
Dale M. Shaw
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